



U.S. Department of Justice

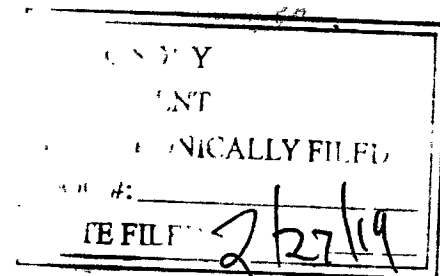
United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

February 26, 2019

VIA EMAIL

The Honorable Jed S. Rakoff
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007



Re: *United States v. Andy Gyamfi*, S6 16 Cr. 521 (JSR)

Dear Judge Rakoff:

The Government respectfully submits this letter in opposition to the defense motion to dismiss Counts Three and Four of the above-referenced indictment. The defense motion contends that a Hobbs Act robbery in violation of 18 U.S.C. § 1951 does not qualify as a “crime of violence” under 18 U.S.C. § 924(c). As the defense expressly acknowledges, however, this argument is squarely foreclosed by Second Circuit precedent. In *United States v. Hill*, 890 F.3d 51 (2d Cir. 2018), the Second Circuit held that Hobbs Act robbery is a crime of violence under the “force clause” of § 924(c)(3)(A). *Id.* at 52 (“Hobbs Act robbery is a crime of violence under 18 U.S.C. § 924(c)(3)(A).”). The Second Circuit reaffirmed that holding in *United States v. Barrett*, 903 F.3d 166, 174 (Sept. 10, 2018). *Id.* (“Following *Hill*’s holding, we conclude that the substantive Hobbs Act robberies for which Barrett stands convicted are categorical crimes of violence under 18 U.S.C. § 924(c)(3)(A).”). Accordingly, the motion should be denied.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By: /s/
Maurene Comey & Jessica Fender
Assistant United States Attorneys
(212) 637-2324 / 2276